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Chairman: Mr. Bennouna ..... (Morocco)

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The meeting was called to order at 10.10 a.m.

Agenda item 145: Report of the Committee on Relations with the Host Country (A/59/26)

1. **Mr. Mavroyiannis** (Chairman of the Committee on Relations with the Host Country), introducing to the Sixth Committee the report of the Committee over which he presided, said that the Committee on Relations with the Host Country was an important forum characterized by its openness, transparency and flexibility. The consensual nature of its proceedings had ensured that the interests of all its members could be met. During the current year, an issue that had generated intense interest had been the implementation of the New York City parking programme for diplomatic vehicles, which had been in effect for one year.

Draft resolution A/C.6/59/L.15

2. **Mr. Mavroyiannis** (Cyprus), introducing draft resolution A/C.6/59/L.15 on behalf of all the sponsors (Bulgaria, Canada, Costa Rica, Côte d'Ivoire and Cyprus), said that the Committee on Relations with the Host Country had been established in 1971 to discuss and resolve issues pertaining to the security of missions and the safety of their personnel, issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations and questions regarding privileges and immunities, transportation, and public relations of the United Nations community in the host city. Noting that the draft resolution endorsed the conclusions and recommendations of the Committee contained in paragraph 26 of its report (A/59/26), he commended it to the Sixth Committee and expressed the hope that it would be adopted by consensus.

3. **Mr. Peersman** (Netherlands), speaking on behalf of the European Union and the candidate countries Bulgaria, Romania and Croatia, the countries of the Stabilization and Association Process and potential candidates Albania, Bosnia and Herzegovina, The former Yugoslav Republic of Macedonia, Serbia and Montenegro and the European Free Trade Association (EFTA) countries Iceland and Norway, members of the European Economic Area, thanked the Committee on Relations with the Host Country for its work. That Committee remained an important forum for resolving problems which might arise for the day-to-day functioning of the delegations and missions accredited to the United Nations in New York and contributed to good relations between the Organization, Member States and the host country. The European Union thanked the host country for its efforts to accommodate the interests and requirements of the diplomatic community in New York. The European Union also wished to thank Ambassador Mavroyiannis for his introduction of the Committee report, which dealt with such varied problems as those relating to transportation, immigration and customs procedures, entry visas and travel regulations. With regard to transportation, he said that the European Union appreciated the efforts of the Secretariat in compiling a comprehensive database of the submissions from permanent missions on their experience with the implementation of the diplomatic parking programme. It took note of the problems that had been identified, as well as of the results of the consultations between the Chairman, the city authorities and the host country Mission. The European Union had studied carefully the report of the Committee on Relations with the Host Country and was pleased to support its recommendations and conclusions.

4. **Mr. Ganeson** (Malaysia) said that, since the establishment of the Committee, it had been a forum for the exchange of views and negotiations between the United Nations, the Member States and the host country to address practical issues encountered by missions and ensure their smooth operation. Malaysia appreciated the commitment of the United States to extend to the diplomatic community the full scope of the immunities and privileges embodied in the Vienna Convention on Diplomatic Relations, the Convention on the Privileges and Immunities of the United Nations and the Headquarters Agreement. In return, the host country had the right to expect that members of the diplomatic community would not abuse the privileges and immunities accorded to them or disregard the framework of understanding and cooperation that required continuous dialogue.

5. The issue of parking continued to dominate the discussions of the Committee. The new New York City parking programme for diplomatic vehicles was a positive development, but it was still necessary to allow flexibility in the transferring of decals, to provide parking spaces in front of diplomatic

residences and to improve the parking ticket dispute mechanism.

6. Malaysia would like to highlight the increasing difficulties faced by diplomats in the clearance of their household effects by United States Customs, leading to delays that entailed costly additional storage and demurrage charges. While understanding the need for the host country to take measures to ensure that goods imported did not pose a danger to its security, his delegation hoped that such measures applying to diplomats would conform to the Vienna Convention on Diplomatic Relations. In conclusion, he said that his delegation fully supported the recommendations and conclusions contained in paragraph 26 of the report of the Committee.

7. **Mr. Sinaga** (Indonesia) said that his country attached great importance to the work of the Committee on Relations with the Host Country as a forum for discussion of the practical issues that affected the work of diplomatic missions to the United Nations. Indonesia believed that the host country had been working diligently to create appropriate conditions for the work of delegations and missions and hoped that the situation would continue improving in future. There had been cases of immigration and customs delays, particularly with regard to the importation of household effects, leading to additional storage and unnecessary demurrage charges. His delegation hoped those problems could be avoided in the future. In that regard, the host country might institute a review mechanism for possible compensation to members of diplomatic missions who had experienced that problem. Indonesia felt that it was premature to conclude that the new parking programme had been successful, as only 12 per cent of the permanent missions had expressed their views on the matter. He noted that there were still problems; the number of parking spaces was still inadequate, the appeal process was slow, and there was a need for transparency so as to ensure fair and non-discriminatory treatment for all missions to the United Nations. It was understandable that the host country should expect all diplomatic personnel to comply with traffic laws and not abuse the privileges and immunities accorded them. It was also fair to expect that the full scope of immunities and privileges enshrined in international law was ensured by the host country. Continued review of the parking programme was necessary in order to ensure that it was implemented in a fair, non-discriminatory and effective manner, consistent with international law and was not used as an instrument of political pressure with respect to certain countries. In conclusion, Indonesia welcomed the recommendations and conclusions contained in paragraph 26 of the Committee's report and supported the proposal made by the Russian Federation for the establishment of a working group to discuss the issues.

8. **Mrs. Ramos Rodríguez** (Cuba) said that her delegation was interested in contributing to the work of the Committee on Relations with the Host Country. It was very important that, in carrying out its duties, the Committee should apply the relevant provisions of the Convention on the Privileges and Immunities of the United Nations, the Vienna Convention on Diplomatic Relations and the Headquarters Agreement.

9. The conclusions and recommendations contained in the report addressed issues of great importance, such as the travel restrictions imposed by the host country on personnel of certain missions and staff members of the Secretariat of certain nationalities and the need to ensure the issuance, in a timely manner, of entry visas to representatives of Member States. The host country had arbitrarily and unfairly denied a Cuban delegate's request to travel to the informal Intersessional Meeting of the Special Working Group on the Crime of Aggression, held at Princeton University in June 2004. Her delegation regretted that on certain occasions the host country authorities were continuing to deny Cuban diplomats' requests for travel permits to attend United Nations-related events and meetings organized by accredited missions to the Organization that were held outside the 25-mile radius usually applied in restricting the travel of diplomats. That practice placed officials of the Cuban Mission at a disadvantage with regard to negotiations, discussions and documentation. The practice was unfair, selective and discriminatory, as well as politically motivated; it violated the host country's obligations as laid down in the Headquarters Agreement, as well as customary rules of diplomatic law. Her delegation called on the host country to reconsider its position on the issues she had mentioned and observe the general principles of equality and non-discrimination, as well as the norms of international law.

10. The Cuban delegation welcomed the Committee's initial detailed review of the implementation of the parking programme for diplomatic vehicles, conducted

with a view to resolving the problems encountered by some permanent missions during the first year of implementation. The programme included certain controversial provisions relating to privileges and immunities that were universally recognized and accepted for diplomatic missions and their agents. From the practical standpoint, the programme entailed an additional financial and bureaucratic burden for the missions and their personnel; moreover, the competent authorities had applied enforcement measures that were not envisaged in the programme.

11. Finally, her delegation wished to reiterate the importance of ensuring that the Committee effectively fulfilled its role of providing ongoing advice to the host country on issues arising from the implementation and interpretation of the Headquarters Agreement and the Convention on the Privileges and Immunities of the United Nations.

12. **Mr. Lobach** (Russian Federation), referring to the report of the Committee on Relations with the Host Country, said that the New York diplomatic parking programme did not contain mechanisms to monitor fulfilment of the host city's obligations. With respect to entry visas for representatives of States Members of the United Nations, he said that the established three-week deadline for issuing such visas was not always observed in practice, and there were unjustified delays that hampered the participation of delegations in the work of the Organization. In that regard, the Russian Federation appreciated the support of the United States Mission in resolving specific problems, although it was noteworthy that, during the period covered by the report, nothing had been done to resolve the long-standing issue of travel restrictions imposed on some delegates and Secretariat officials. The Russian Federation urged the host country to adopt firm measures to solve that problem and supported the conclusions and recommendations set out in the report of the Committee.

13. **Mr. Kennedy** (United States of America) said that his country was proud and honoured to serve as host to the United Nations, and welcomed the remarks of those delegations that had positively recognized the host country's efforts. Along with that honour came a broad range of obligations and commitments that his Government had fulfilled since 1946 and to which it remained committed in future. The Committee on Relations with the Host Country was a valuable forum in which to discuss the issues relating to that task. The host country greatly valued the cooperation and constructive spirit of the members of the Committee, the assistance provided by the United Nations Secretariat in that regard, and the interest and participation of numerous observer delegations. The ability of delegations of States that were not members of the Committee to participate fully in its work had served to make the Committee's deliberations open to all and more representative. The Committee had been unusually responsive, especially given the fact that it was the only such Committee in any of the host countries that reported to the General Assembly.

14. Over the previous year, a principal focus of the Committee had been the implementation of the New York diplomatic parking programme, which the United States regarded as a success. The number of parking tickets issued to the diplomatic and consular corps in New York in 2004 had been much lower than in 2002, before the programme had come into effect. Congestion caused by illegal parking in the vicinity of the United Nations had been markedly reduced, and the programme had eased the daily lives and work of Permanent Representatives and New Yorkers alike. Nevertheless, a relatively small number of Missions had identified problems with some aspects of the implementation of the programme, and the United States Mission remained firmly committed to working with the authorities of the City of New York to ensure the proper functioning of the programme. The United States Mission pledged to uphold all its obligations to the United Nations community, just as it expected each member of the diplomatic community to respect local laws. The United Nations Legal Counsel had found the parking programme to be consistent with international law and practice and the United States would ensure that it continued to be implemented in conformity with such law and practice.

15. Some members of the Committee had objected to restrictions on private non-official travel by members of certain Missions. Such restrictions did not violate international law. Under the Headquarters Agreement, the host country was under an obligation only to provide mission members and delegations with unimpeded access to the Headquarters. The United States was not required to permit those individuals to travel to other parts of the country unless they did so on official United Nations business. That being said, however, the United States was pleased to report that

some restrictions imposed on certain delegations had been modified.

16. *Draft resolution A/C.6/59/L.15 was adopted without a vote.*

17. **Mrs. Ramos Rodriguez** (Cuba), speaking in exercise of the right of reply and in reference to the statement made by the representative of the United States on travel restrictions, said that the meeting held at Princeton University had dealt with a topic on the United Nations work programme, namely, the International Criminal Court. Cuba believed that the discriminatory policy imposed on certain delegations was a violation of customary international law on diplomatic privileges and immunities.

Agenda item 147: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (*continued*) (A/C.6/59/L.17)

Draft resolution A/C.6/59/L.17

18. **Mr. Mikulka** (Secretary of the Committee), referring to the programme budget implications of draft resolution A/C.6/59/L.17, said that under the terms of paragraph 2 of the draft resolution, the Special Committee on the Charter of the United Nations would hold its next session from 14 to 24 March 2005 and the total cost for conference servicing and documentation for that meeting in all six languages was estimated at $429,700 (at 2004-2005 rates). Since the session had already been programmed in the draft calendar of conferences and meetings for the biennium, no additional appropriation would be required.

19. Under the terms of paragraph 10 of the draft resolution, the Secretary-General was requested to pursue his efforts, within the level of the currently approved budget, to make all versions of the *Repertory of Practice of United Nations Organs* available in electronic format as soon as possible. To that effect, attention was drawn to section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the General Assembly reaffirmed the responsibility of the Fifth Committee for administrative and budgetary matters and the role of the Advisory Committee on Administrative and Budgetary Questions. Similarly, the attention of the Committee was drawn to paragraph 67 of the report of the Advisory Committee on Administrative and Budgetary Questions (A/54/7) and to paragraph 31 of document A/C.5/54/SR.21, which indicated that the use of the phrase "within existing resources" or similar language in resolutions had a negative impact on the implementation of activities, and should therefore be avoided.

20. *Draft resolution A/C.6/59/L.17 was adopted without a vote.*

Draft resolution A/C.6/59/L.18

21. **The Chairman** drew the attention of the Committee to draft resolution A/C.6/59/L.18 entitled "Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions", and announced that the former Yugoslav Republic of Macedonia had joined the sponsors of the draft resolution.

22. *Draft resolution A/C.6/59/L.18 was adopted without a vote.*

Agenda item 139: Responsibility of States for internationally wrongful acts (*continued*) (A/C.6/59/L.22)

Draft resolution A/C.6/59/L.22

23. *Draft resolution A/C.6/59/L.22 was adopted without a vote.*

Agenda item 138: Nationality of natural persons in relation to the succession of States (*continued*) (A/C.6/59/L.24)

Draft resolution A/C.6/59/L.24

24. **Ms. Telalian** (Greece) introduced the draft resolution entitled "Nationality of natural persons in relation to the succession of States" (A/C.6/59/L.24) and noted in particular that both the fifth preambular paragraph and paragraph 3 referred to the avoidance of statelessness as a result of a succession of States.

25. *Draft resolution A/C.6/59/L.24 was adopted without a vote.*

Agenda item 144: Report of the International Law Commission on the work of its fifty-sixth session (*continued*) (A/C.6/59/L.23)

Draft resolution A/C.6/59/L.23

26. **Mr. Simon** (Hungary) introduced the draft resolution entitled "Report of the International Law Commission on the work of its fifty-sixth session" (A/C.6/59/L.23), and said that the draft followed the model from the previous year with some minor changes. A new eighth preambular paragraph had been inserted welcoming initiatives to hold interactive debates, panel discussions and question time in the Sixth Committee. A new paragraph 2 expressing appreciation for the work of the International Law Commission had also been introduced. In subparagraph (a) of paragraph 4, the words "currently entitled" should be inserted before "Shared natural resources". Lastly, paragraph 5 endorsed the decision to include two new topics in the agenda.

27. **Mr. El Messallati** (Libyan Arab Jamahiriya) pointed out a grammatical error in the Arabic version of paragraph 2 of the draft resolution, which did not affect the other language versions.

28. *Draft resolution A/C.6/59/L.23 was adopted without a vote.*

Agenda item 149: Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel (*continued*) (A/C.6/59/L.20)

Draft resolution A/C.6/59/L.20

29. **Ms. McIver** (New Zealand), introducing the draft resolution entitled "Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel" contained in document A/C.6/59/L.20, said that Andorra, Brazil, Cyprus, Czech Republic, Democratic Republic of the Congo, Estonia, Ethiopia, Ghana, Kenya, Lesotho, Latvia, Lithuania, Mali, Malta, Nigeria, Poland, Serbia and Montenegro, Solomon Islands, Thailand and Uganda had been added to the list of sponsors.

30. The draft resolution, which was based on previous resolutions adopted by the Committee, contained a new tenth preambular paragraph paying tribute to the courage of those staff members who had lost their lives in the course of their duties. In addition, the fourteenth preambular paragraph made specific reference to the recommendations of the Working Group of the Sixth Committee. With regard to paragraph 11, the Secretariat had advised that the Ad Hoc Committee would meet from 11 to 15 April 2005.

31. **Mr. Mikulka** (Secretary of the Committee) said, with reference to the programme budget implications arising from draft resolution A/C.6/59/L.20, that the scheduled reconvening of the Ad Hoc Committee for five days (from 11 to 15 April 2005) with simultaneous interpretation in six languages and documentation totalling 61 pages would entail an estimated cost of $240,900 (at 2004-2005 rates). Since the meetings had already been programmed in the draft calendar of conferences and meetings for the biennium 2004-2005, no additional appropriation would be required.

32. *Draft resolution A/C.6/59/L.20 was adopted without a vote.*

Agenda item 148: Measures to eliminate international terrorism (*continued*) (A/C.6/59/L.19)

Draft resolution A/C.6/59/L.19

33. **Mr. Adsett** (Canada), introducing the draft resolution entitled "Measures to eliminate international terrorism" contained in document A/C.6/59/L.19, said that it was based on General Assembly resolution 58/81, with the addition of a mention of the tenth anniversary of the adoption of the Declaration on Measures to Eliminate International Terrorism in the fourth preambular paragraph, new sixteenth and seventeenth preambular paragraphs and three new paragraphs (6, 7 and 13) in the operative part. In addition, an annex had been added to the draft resolution listing the regional developments and initiatives in the past year.

34. **Mr. Mikulka** (Secretary of the Committee), explaining the implications of draft resolution A/C.6/59/L.19 for the programme budget for the biennium 2004-2005, said that the Ad Hoc Committee was to meet from 28 March to 1 April 2005 with two meetings per day with the corresponding interpretation and documentation services for a total cost of $384,300 (at 2004-2005 rates). Since the meetings had already been programmed in the draft calendar of conferences and meetings for the biennium 2004-2005, no additional appropriation would be required if the General Assembly adopted the draft resolution.

35. Following the adoption of the draft resolution, the Office of Legal Affairs would contact the Department of Political Affairs, the Department for Disarmament Affairs, the United Nations Office on Drugs and Crime and the Office of the High Commissioner for Human Rights to have them provide their contribution to the Secretary-General's annual report on measures to eliminate international terrorism. Such contributions were already reflected in the programme of work of the departments concerned; hence, there would be no need to appropriate additional funds if the General Assembly adopted the draft resolution.

36. *Draft resolution A/C.6/59/L.19 was adopted without a vote.*

37. **Mr. Toro Jiménez** (Bolivarian Republic of Venezuela), speaking in explanation of position, said that Venezuela had joined the consensus because, in the fight against terrorism, suppression was an approach that in the end yielded limited and conflicting results. The right approach was a different one; it entailed going to the roots of the problem and the motives that made terrorism possible and continued to feed into it, in other words, the dramatic conjunction of hunger, poverty, abandonment, social exclusion and the obstacles created by neoliberal policies that thwarted development. These issues deserved to be addressed as a matter of priority, as the President of the Bolivarian Republic of Venezuela had stated at a number of summits of Heads of State. Venezuela hoped that its warning would not go unheeded.

38. **Mr. Chaabani** (Tunisia), speaking in explanation of position, said that Tunisia welcomed the consensus that had made it possible to adopt draft resolution A/C.6/59/L.19. Among the other relevant initiatives referred to in the eighteenth preambular paragraph was that proposed by Tunisia, which involved the elaboration of a consensual code of conduct against terrorism under the auspices of the United Nations. That initiative had the support of a number of regional and political groups, including the African Union, the Non-Aligned Movement and the Organization of the Islamic Conference. Tunisia reserved the right to refer to that initiative again at the opportune moment.

39. **The Chairman** said that, pursuant to General Assembly resolution 58/316, each Main Committee should adopt a provisional programme of work at the end of the session for the next session. The Bureau had therefore prepared a provisional programme of work, which had been circulated. The purpose of the provisional programme of work was to facilitate the preparation of the documentation needed for the next session. Once the new Bureau had been elected and the Committee met during the sixtieth session, the programme of work could be reviewed and amended. He therefore suggested that the Committee should take note of the provisional programme of work.

40. *It was so decided.*

41. **Mr. Rosand** (United States of America), **Mr. Hmoud** (Jordan) and **Mr. Kanu** (Sierra Leone) spoke briefly on procedural matters relating to the provisional programme of work for the sixtieth session of the General Assembly.

42. **The Chairman** said, with respect to the election of the officers of the Main Committees, he understood that in due course consultations would be held among the regional groups, so that at the proper time, at least three months prior to the opening of the sixtieth session of the General Assembly, the Sixth Committee could elect its new chairman, three vice-chairmen and a rapporteur. The Chairman then asked the representatives to answer two questionnaires related to conference services.

The meeting was suspended to give representatives an opportunity to answer the questionnaires.

The meeting rose at 12.05 p.m.